



REMARKS
OF
MR. CLAY, OF KENTUCKY,
ON INTRODUCING HIS
PROPOSITIONS TO COMPROMISE,
ON THE
SLAVERY QUESTION.

IN THE SENATE OF THE UNITED STATES, JANUARY 29, 1850.

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ADDRESS

OF

MR. CLAY, OF KENTUCKY.

IN SENATE OF THE UNITED STATES, JANUARY 29, 1850.

Mr. CLAY rose and said—

Mr. PRESIDENT: I hold in my hand a series of resolutions which I desire to submit to the consideration of this body. Taken together, in combination, they propose an amicable arrangement of all questions in controversy between the free and the slave States, growing out of the subject of slavery. It is not my intention, Mr. President, at this time, to enter into a full and elaborate discussion of each of these resolutions, taken separately, or the whole of them combined together, as composing a system of measures; but I desire to present a few observations upon each resolution, with the purpose, chiefly, of exposing it fairly and fully before the Senate and before the country; and I may add, with the indulgence of the Senate, towards the conclusion, some general observations upon the state of the country and the condition of the question to which the resolutions relate. Whether they shall or shall not meet with the approbation and concurrence of the Senate—as I most ardently hope they may; as I most sincerely believe they ought—I trust that at least some portion of the long time which I have devoted, with care and deliberation, to the preparation of these resolutions and to the presentation of this great national scheme of compromise and harmony, will be employed by each Senator before he pronounces against the proposition embraced in these resolutions. The resolutions, sir, are all preceded by a short preamble, to which of course I attach no very great importance. The preamble and first resolution are as follows:

It being desirable for the peace, concord, and harmony of the union of these States to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery, upon a fair, equitable, and just basis: Therefore,

1st. *Resolved*, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

Mr. President, it must be acknowledged that there has been some irregularity in the movements which have terminated in the adoption of a Constitution by California, and in the expression of her wish—not yet formally communicated to Congress, it is true, but which may be anticipated in a few days—to be admitted into the Union as a State. There has been some irregularity in the manner in which they have framed that Constitution. It was not preceded by any act of Congress authorizing the convention and designating the boundaries of the proposed State, according to all the early practice of this Government, according to all the cases of the admission of new States into this Union, which occurred prior, I think, to that of Michigan. Michigan, if I am not mistaken, was the first State which, unbidden, unauthorized by any previous act of Congress, undertook to form for herself a Constitution, and to knock at the door of Congress for admission into the Union. I recollect that at the time when Michigan thus presented herself, I was opposed, in consequence of that deviation from the early practice of the Government, to the admission. The majority determined otherwise, and it must be in candor admitted by all men, that California has much more reason to do what she has done, unsanctioned and unauthorized by a previous act of Congress, than Michigan had to do what she did.

Sir, notwithstanding the irregularity of the admission of Michigan into the Union, it has been a happy event. She forms now one of the bright stars of this glorious Confederacy. She has sent here to mingle in our counsels Senators and Representatives—men eminently distinguished, with whom we may all associate with pride, with pleasure, and with satisfaction. And I trust that if California—irregular as her previous action may have been in the adoption of a Constitution, but more justifiable than was the action of Michigan—if she also shall be admitted, as is proposed by this first resolution, with suitable limits, that she too will make her contribution of wisdom, of patriotism, and of good feeling to this body, in order to conduct the affairs of this great and boundless empire.

The resolution proposes her admission when she applies for it. There is no intention on my part to anticipate such an application, but I thought it right to present this resolution as a part of the general plan which I propose for the adjustment of these unhappy difficulties.

The second resolution, sir, is as follows:

2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law, either for its introduction into or exclusion from any part of the said territory; and that proper Territorial Governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed

State of California, without the adoption of any restriction or condition on the subject of slavery.

This resolution, sir, proposes, in the first instance, a declaration of two truths—one of law and the other of fact. The truth of law which it declares is, that there does not exist, at this time, slavery within any portion of the territory acquired by the United States from Mexico. When I say, sir, that it is a truth, I speak my own solemn and deliberate conviction. I am aware that some gentlemen have held a different doctrine; but I persuade myself that they themselves, when they come to review the whole ground, will see sufficient reasons for a change, or at least a modification of their opinions; but that, at all events, if they adhere to that doctrine, they will be found to compose a very small minority of the whole mass of the people of the United States.

The next truth which the resolution asserts is, that slavery is not likely to be introduced into any portion of that territory. That is a matter of fact; and all the evidence upon which the fact rests is perhaps as accessible to other Senators as it is to me; but I must say that from all I have heard or read, from the testimony of all the witnesses I have seen and conversed with, from all that has transpired and is transpiring, I do believe that not within one foot of the territory acquired by us from Mexico will slavery ever be planted, and I believe it could not be done even by the force and power of public authority.

Sir, facts are daily occurring to justify me in this opinion. Sir, what has occurred? And upon that subject, and, indeed, upon this whole subject, I invite Senators from the Free States especially to consider what has occurred even since the last session—even since the commencement of this session—since they left their respective constituencies, without an opportunity of consulting with them upon that great and momentous fact—the fact that California herself, of which it was asserted and predicted that she never would establish slavery within her limits when she came to be admitted as a State; that California herself, embracing, of all other portions of the country acquired by us from Mexico, that country into which it would have been most likely that slavery should have been introduced; that California herself has met in convention, and by a unanimous vote, embracing in that body slaveholders from the State of Mississippi, as well as from other parts, who concurred in the resolution—that California, by a unanimous vote, has declared against the introduction of slavery within her limits. I think, then, that taking this leading fact in connection with all the evidence we have from other sources on the subject, I am warranted in the conclusion which constitutes the second truth which I have stated in this resolution, that slavery is “not likely to be introduced into any of the territory acquired by us from Mexico.”

Sir, the latter part of that resolution asserts that it is the duty of Congress to establish appropriate Territorial Governments within all the country acquired from Mexico, exclusive of California, not embracing in the acts by which these Governments shall be constituted, either a prohibition or an admission of slavery.

Sir, much as I am disposed to defer to high authority, anxious as I really am to find myself in a position that would enable me to coöperate heartily with the other departments of the Government in conducting the affairs of this great people, I must say that I cannot, without a dereliction of duty, consent to an abandonment of them without government, leaving them to all those scenes of disorder, confusion, and anarchy which I apprehend, in respect of some of them, there is too much reason to anticipate will arise. It is the duty, the solemn—I was going to add the most sacred duty—of Congress to legislate for their government if they can, and at all events to legislate for them, and to give them the benefit of law, and order, and security.

The next resolutions are the third and fourth, which, having an immediate connection with each other, should be read and considered together. They are as follows :

3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico ; thence with that line, eastwardly, and so continuing, in the same direction, to the line established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved*, That it be proposed to the State of Texas that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$——, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States ; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a Convention, relinquish to the United States any claim which it has to any part of New Mexico.

Mr. President, I do not mean now, I do not know that I shall at any time—it is a very complex subject, and one not free from difficulty—go into the question of what are the true limits of Texas. My own opinion is, I must say, without intending by the remark to go into any argument, that Texas has not a good title to any portion of what is called New Mexico. And yet, sir, I am free to admit that, looking at the grounds which her representatives

assumed, first, in the war with Santa Anna, in 1836, then at what transpired between Mr. Trist and the Mexican negotiators when the treaty of peace was negotiated, and then the fact that the United States have acquired all the country which Texas claimed as constituting a portion of her territory; looking at all these facts, but without attaching to them, either together or separately, the same degree of force which gentlemen who think that Texas has a right to New Mexico do, I must say that there is plausibility, to say the least of it, in the pretensions that she sets up to New Mexico. I do not think they constitute or demonstrate the existence of a good title, but a plausible one. Well, then, sir, what do I propose? Without entering into any inquiry whether the Nueces or the Rio Grande was the true boundary of Texas, I propose by the first of these two resolutions that its western limits shall be fixed on the Rio del Norte—extending west from the Sabine to the mouth of the Rio del Norte—and that it shall follow up the Bravo, or the Rio del Norte, to where it strikes the southern line of New Mexico, and then, diverging from that line, follow on in that direction until it reaches the line as fixed by the United States and Spain by their treaty of 1819; and thus embracing a vast country, abundantly competent to form two or three States—a country which I think the highest ambition of her greatest men ought to be satisfied with as a State and member of this Union.

But, sir, the second of these resolutions makes a proposition to the State of Texas upon which I desire to say a few words. It proposes that the Government of the United States will provide for the payment of all that portion of the debt of Texas for which the duties received upon imports from foreign countries was pledged by Texas at a time when she had authority to make pledges. How much it will amount to I have endeavored to ascertain, but all the means requisite to the ascertainment of the sum have not been received, and it is not very essential at this time, because it is the principle and not the amount that is most worthy of consideration. Now, sir, the ground upon which I base this liability, on the part of the United States, to pay a specified portion of the debt of Texas, is not new to me. It is one which I have again and again announced to be an opinion entertained by me. I think it is founded upon principles of truth and of eternal justice. Texas being an independent Power, recognized as such by all the great the Powers of the earth, invited loans to be made to her to enable her to prosecute the then existing war between her and Mexico. She told those whom she invited to make these loans that "if you make them the duties on foreign imports shall be sacredly pledged for the reimbursement of the loans." The loans were made. The money was received, and expended in the establishment of her liberty and her independence. After all this, she annexed herself to the United States, who thencefor-

ward acquired the right to the identical pledge which she had made to the public creditor to satisfy the loan of money which he had advanced to her. The United States became the owners of that pledge and the recipient of all the duties payable in the ports of Texas.

Now, sir, I do say that, in my humble judgment, if there be honor, or justice, or truth amongst men, we do owe to the creditors who thus advanced their money upon that pledge the reimbursement of the money, at all events to the extent that the pledged fund would have reimbursed it, if it had never been appropriated by us to our use. We must recollect, sir, that in relation to that pledge, and to the loan made in virtue and on the faith of it, there were three parties bound—I mean after annexation—the United States, Texas, and the creditor of Texas, who had advanced his money on the faith of a solemn pledge made by Texas.

Texas and the United States might do what they thought proper; but in justice they could do nothing to deprive the creditor of a full reliance upon the pledge upon the faith of which he had advanced his money. Sir, it is impossible now to ascertain how much would have been received from that source of revenue by the State of Texas if she had remained independent. It would be most unjust to go there now and examine at Galveston and her other ports to ascertain how much she now receives by her foreign imports; because, by being incorporated into this Union, all her supplies which formerly were received from foreign countries, and subject—many of them at least—to import duties, are now received by the coasting trade, instead of being received from other countries, as they would have been if she had remained independent. Considering the extent of her territory, and the rapid manner in which her population is increasing, and is like to increase, it is probable that in the course of a few years there might have been such an amount received at the various ports of Texas—she remaining independent—as would have been adequate to the extinction of the debt to which I have referred.

But, sir, it is not merely in the discharge of what I conceive to be a valid and legitimate obligation resting upon the United States to discharge the specified duty, it is not upon that condition alone that this payment is proposed to be made; it is also upon the further condition that Texas shall relinquish to the United States any claim that she has to any portion of New Mexico. Now, sir, although, as I believe, she has not a valid title to any portion of New Mexico, she has a claim; and for the sake of that general quiet and harmony, for the sake of that accommodation which ought to be as much the object of legislation as it is of individuals in their transactions in private life, we may do now what an individual in analogous circumstances might do, give something for the relinquishment of a claim, although it

should not be well founded, for the sake of peace. It is therefore proposed—and this resolution does propose—that we shall pay the amount of the debt contracted by Texas prior to its annexation to the United States, in consideration of our reception of the duties applicable to the extinction of that debt; and that Texas shall also, in consideration of a sum to be advanced, relinquish any claim which she has to any portion of New Mexico.

The fifth resolution, sir, and the sixth, like the third and fourth, are somewhat connected together. They are as follows:

5th. Resolved, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. But Resolved, That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

The first of these resolutions, Mr. President, in somewhat different language, asserts substantially no other principle than that which was asserted by the Senate of the United States twelve years ago, upon resolutions which I then offered, and which passed—at least the particular resolution passed—by a majority of four-fifths of the Senate. I allude to the resolution presented by me in 1838. I shall not enlarge on that resolution; it speaks for itself; it declares that the institution of slavery should not be abolished in the District of Columbia without the concurrence of three conditions: first, the assent of Maryland; second, the assent of the people within the District; and third, compensation to the owners of the slaves within the District for their property.

The next resolution proposed, deserves a passing remark. It is that the slave trade within the District ought to be abolished, prohibited. I do not mean by that the alienation and transfer of slaves from the inhabitants within this District—the sale by one neighbor to another of a slave which the one owns and the other wants, that a husband may perhaps be put along with his wife, or a wife with her husband. I do not mean to touch at all the question of the right of property in slaves amongst persons living within the District; but the slave trade to which I refer was, I think, pronounced an abomination more than forty years ago, by one of the most gifted and distinguished sons of Virginia, the late Mr. Randolph. And who is there who is not shocked at its enormity? Sir, it is a great mistake at the North, if they suppose that gentlemen living in the slave States look upon one who is a regular trader in slaves with any particular favor or kindness. They are often—sometimes unjustly, perhaps—excluded from social in-

tercourse. I have known some memorable instances of this sort. But, then, what is this trade? It is a good deal limited since the retrocession of the portion of the District formerly belonging to Virginia. There are Alexandria, Richmond, Petersburg, and Norfolk south of the Potomac, and Baltimore, Annapolis, and perhaps other ports, north of the Potomac. Let the slave dealer, who chooses to collect his slaves in Virginia and Maryland, go to these places; let him not come here and establish his jails and put on his chains, and sometimes shock the sensibilities of our nature by a long train of slaves passing through that avenue leading from this Capitol to the house of the Chief Magistrate of one of the most glorious Republics that ever existed. Why should he not do it? Sir, I am sure I speak the sentiments of every Southern man, and every man coming from the slave States, when I say let it terminate, and that it is an abomination; that there is no occasion for it; it ought no longer to be tolerated.

The seventh resolution relates to a subject embraced in a bill now under consideration by the Senate. It is as follows:

7th. Resolved, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State who may escape into any other State or territory in the Union.

Sir, that is so evident, and has been so clearly shown by the debate which has already taken place on the subject, that I have not now occasion to add another word.

The last resolution of the series of eight, is as follows:

And 8th. Resolved, That Congress has no power to pro' ibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

It is obvious that no legislation is necessary, or intended to follow that resolution. It merely asserts a truth, established by the highest authority of law in this country, and in conformity with that decision I trust there will be one universal acquiescence.

I should not have thought it necessary to embrace in that resolution the declaration which is embraced in it, but that I thought it might be useful in treating of the whole subject, and in accordance with the practice of our British and American ancestors, occasionally to resort to great fundamental principles, and bring them freshly and manifestly before our eyes, from time to time, to avoid their being violated upon any occasion.

Mr. President, you have before you the whole series of resolutions, the whole scheme of arrangement and accommodation of these distracting questions, which I have to offer, after having bestowed on these subjects the most anxious, intensely anxious, con-

sideration ever since I have been in this body. How far it may prove acceptable to both or either of the parties on these great questions, it is not for me to say. I think it ought to be acceptable to both. There is no sacrifice of any principle, proposed in any of them, by either party. The plan is founded upon mutual forbearance, originating in a spirit of conciliation and concession; not of principles, but of matters of feeling. At the North, sir, I know that from feeling, by many at least cherished as being dictated by considerations of humanity and philanthropy, there exists a sentiment adverse to the institution of slavery.

Sir, I might, I think—although I believe this project contains about an equal amount of concession and forbearance on both sides—have asked from the free States of the North a more liberal and extensive concession than should be asked from the slave States. And why, sir? With you, gentlemen Senators of the free States, what is it? An abstraction, a sentiment—a sentiment, if you please, of humanity and philanthropy—a noble sentiment, when directed rightly, with no sinister or party purposes; an atrocious sentiment—a detestable sentiment—or rather the abuse of it—when directed to the accomplishment of unworthy purposes. I said that I might ask from you larger and more expansive concessions than from the slave States. And why? You are numerically more powerful than the slave States. Not that there is any difference—for upon that subject I cannot go along with the ardent expression of feeling by some of my friends coming from the same class of States from which I come—not that there is any difference in valor, in prowess, in noble and patriotic daring, whenever it is required for the safety and salvation of the country, between the people of one class of States and those of the other. You are in point of numbers, however, greater; and greatness and magnanimity should ever be allied together.

But there are other reasons why concession upon such a subject as this should be more liberal, more expansive, coming from the free than from the slave States. It is, as I remarked, a sentiment, a sentiment of humanity and philanthropy on your side. Aye, sir, and when a sentiment of that kind is honestly and earnestly cherished, with a disposition to make sacrifices to enforce it, it is a noble and beautiful sentiment; but, sir, when the sacrifice is not to be made by those who cherish that sentiment and inculcate it, but by another people, in whose situation it is impossible, from their position, to sympathise and to share all and every thing that belongs to them, I must say to you Senators from the free States, it is a totally different question. On your side it is a sentiment without sacrifice, a sentiment without danger, a sentiment without hazard, without peril, without loss. But how is it on the other side, to which, as I have said, a greater amount of concession ought to be made in any scheme of compromise?

In the first place, sir, there is a vast and incalculable amount of property to be sacrificed, and to be sacrificed, not by your sharing in the common burdens, but exclusive of you. And this is not all. The social intercourse, habit, safety, property, life, everything, is at hazard in a greater or less degree in the slave States.

Sir, look at that storm which is now raging before you, beating in all its rage pitilessly upon your family. They are in the South. But where are your families, where are your people, Senators from the free States? They are safely housed, enjoying all the blessings of domestic comfort, peace, and quiet in the bosom of their own families.

Behold, Mr. President, that dwelling-house now wrapped in flames. Listen, sir, to the rafters and beams which fall in succession, amid the crash; and the flames ascending higher and higher as they tumble down. Behold those women and children who are flying from the calamitous scene, and with their shrieks and lamentations imploring the aid of high Heaven. Whose house is that? Whose wives and children are they? Yours in the free States? No. You are looking on in safety and security, whilst the conflagration which I have described as raging in the slave States, and produced, not intentionally by you, but produced from the inevitable tendency of the measures which you have adopted, and which others have carried far beyond what you have wished. In the one scale, then, we behold sentiment, sentiment, sentiment alone; in the other property, the social fabric, life, and all that makes life desirable and happy.

But, sir, I find myself engaged much beyond what I intended, when I came this morning from my lodgings, in the exposition with which I intended these resolutions should go forth to the consideration of the world. I cannot omit, however, before I conclude, relating an incident, a thrilling incident, which occurred prior to my leaving my lodgings this morning.

A man came to my room—the same at whose instance a few days ago¹ I presented a memorial calling upon Congress for the purchase of Mount Vernon for the use of the public—and, without being at all aware of what purpose I entertained in the discharge of my public duty to-day, he said to me: "Mr. Clay, I heard you make a remark the other day which induces me to suppose that a precious relic in my possession would be acceptable to you." He then drew out of his pocket, and presented to me, the object which I now hold in my hand. And what, Mr. President, do you suppose it is? It is a fragment of the coffin of Washington—a fragment of that coffin in which now repose in silence, in sleep, and speechless, all the earthly remains of the venerated Father of his Country. Was it portentous that it should have been thus presented to me? Was it a sad presage of what might happen to that fabric which Washington's virtue, patriotism, and valor established? No, sir, no. It was a warning voice

coming from the grave to the Congress now in session to beware, to pause, to reflect before they lend themselves to any purposes which shall destroy that Union which was cemented by his exertions and example. Sir, I hope an impression may be made on your mind such as that which was made on mine by the reception of this precious relic.

And, in conclusion, I now ask every Senator, I entreat you, gentlemen, in fairness and candor, to examine the plan of accommodation which this series of resolutions proposes, and not to pronounce against them until convinced after a thorough examination. I move that the resolutions be read and received.

The resolutions were then read as follows :

It being desirable for the peace, concord, and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable, and just basis : Therefore,

1st. *Resolved*, That California, with suitable boundaries, ought upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory ; and that appropriate Territorial Governments ought to be established by Congress in all the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico ; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved*, That it be proposed to the State of Texas that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$_____, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States ; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5th. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. *But Reolv'd*, That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandize, or to be transported to other markets without the District of Columbia.

7th. *Resolved*, That more effectual provision out to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union.

And 8th. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States ; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

Mr. CLAY. I had intended to propose that we should now fix upon some convenient day for the discussion of these resolutions. I shall be satisfied with any early day which the Senate in their pleasure may decide upon. I would propose Monday or Tuesday of the next week.

After a brief discussion, in which Messrs. RUSK, FOOTE, CLAY, MASON, and DAVIS, of Miss., participated—

Mr. CLAY said: I am extremely sorry, Mr. President, for the premature, and, allow me to say, in my opinion, unnecessary discussion which has taken place. Whenever the Senator who has just resumed his seat (Mr. DAVIS) chooses to meet me in argument, I pledge myself, at the proper time, to show that there is not the slightest discrepancy between the course pursued by me in 1838, and the course which I take now. And one of the resolutions which the Senator has read—

Mr. DAVIS. Will the Senator from Kentucky allow me to state—

Mr. CLAY. I will proceed, sir.

Mr. DAVIS. The Senator has said that he will enter upon the argument whenever I choose to do so.

Mr. CLAY. I do not choose to give way at present.

Mr. DAVIS. Now is the time to enter upon the argument.

Mr. CLAY. Not until I am done. I am reminded of my coming from a slave State. I tell the Senator from Mississippi, and I tell the Senator from Virginia, that I know my duty, and that I mean to express the opinions that I entertain, fearless of all mankind.

But, sir, in regard to this resolution of 1838, I regret extremely this premature discussion. I think it would have been better for the whole Senate if it had been deferred. And I trust the gentlemen on the other side will excuse me for saying that it would have been better for themselves if they had forbore to enter into the discussion until the question came regularly up. But, sir, as I do not choose that what I consider a mistaken representation of my sentiments in 1838, should go out, I will simply state what they were then, and what they are now.

Sir, there is not a word in that resolution that implies that any faith was pledged to the States, other than to Virginia and Maryland, that Congress would not abolish slavery in this District. The resolution says that the agitation of the question of abolition by people living out of the District is, in its tendency, dangerous to the slave States; and that the abolition of slavery in the District of Columbia would be just cause of alarm, not merely to Virginia and Maryland, but to all the slave States. And why? What was it that abolitionists then proposed? It was abolition without compensation; it was to take the slaves

without paying for them. And would it not in that form have been a just cause of alarm to the other States of the Union owning property of that description? The assertion, therefore, of opinion which I made then was, that, by the nature and objects of the cession of the ten-miles-square by Virginia and Maryland, it could not have been anticipated by either of those States that the power conveyed to the General Government over the ten-miles-square would be so exercised as to abolish slavery within those States respectively; and further, that, slavery continuing in Virginia and Maryland, if such an abolition were to take place in the District of Columbia, and without compensation to the slaveholder, it would be, as it undoubtedly would have been, a just cause of alarm to the owners of that description of property, wherever situated. Now, sir, that was my doctrine in 1838, and that is my doctrine still.

Sir, I do not regard the mere phraseology of the resolution. I will not substitute the word "unconstitutional" for the word "inexpedient;" for I do not believe it to be unconstitutional. I cannot believe it. If a power to legislate in all cases whatever be granted to Congress, does it not comprehend the power to legislate on the subject of slavery as well as upon all other subjects? The power is there; but there is an implied faith connected with the power, resulting from the circumstances to which I have referred, imposing on Congress the obligation not to exercise the power as long as slavery in Virginia and Maryland exists. And now that Virginia has separated from the District, such abolition may not take place without the consent of the people of the District and of Maryland, and also without, what I contended for in 1838, compensation to the owners of the slaves for their property thus liberated.

I am extremely sorry to hear the Senator from Mississippi say that he requires first, the extension of the Missouri compromise line to the Pacific, and also that he is not satisfied with that, but requires, if I understood him correctly, a positive provision for the admission of slavery south of that line. And now, sir, coming from a slave State, as I do, I owe it to myself, I owe it to truth, I owe it to the subject, to say that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line. Coming as I do from a slave State, it is my solemn, deliberate, and well-matured determination that no power, no earthly power shall compel me to vote for the positive introduction of slavery either south or north of that line. Sir, while you reproach, and justly too, our British ancestors for the introduction of this institution upon the continent of America, I am, for one, unwilling that the posterity of the present inhabitants of California and New Mexico shall reproach us for doing just what we reproach Great Britain for doing to us. If the citizens of those Territories choose

to establish slavery, and if they come here with constitutions establishing slavery, I am for admitting them with such provisions in their constitutions; but then it will be their own work, and not ours, and their posterity will have to reproach them, and not us, for forming constitutions allowing the institution of slavery to exist among them. These are my views, sir, and I choose to express them; and I care not how extensively or universally they are known. The honorable Senator from Virginia has expressed his opinion that slavery exists in these Territories, and I have no doubt that opinion is sincerely and honestly entertained by him; and I would say, with equal sincerity and honesty, that I believe that slavery nowhere exists within any portion of the territory acquired by us from Mexico. He holds a directly contrary opinion to mine, as he has a perfect right to do; and we will not quarrel about that difference of opinion.

But, sir, I sincerely regret, as I have before stated, a discussion upon these resolutions at this time; for I could show, and at a proper time would show, that the proposition which I make of leaving the subject unacted upon with regard to slavery—without any declaration either for or against it—leaving the question entirely open—I say I could show that it is a much better proposition, as far as the interests of the South are concerned, than that of extending the Missouri line to the Pacific, unless you should couple with it that, which the Senator from Mississippi knows to be impossible, a declaration or provision for the introduction of slavery south of that line.

Mr. DAVIS. The Senator from Mississippi knows that.

Mr. CLAY. And I say, sir, in my place, that I consider it is much better for the South that the whole subject should be open on both sides of an imaginary line—for instance, the line of $36^{\circ} 30'$ —than that slavery should be interdicted positively north of $36^{\circ} 30'$, with freedom to introduce or establish slavery south of that line, according to the will of the people; and the proposition that I have made is infinitely better for the South than the proposition which the Senator has suggested, unless he could persuade Congress to adopt his proposition to declare positively and absolutely the right to introduce slavery south of the line. Now, all this I could have shown, and would have shown if necessary, in progress of the argument, if Senators would not have entered into a discussion, and committed themselves upon the question—if they had chosen to wait and give a full and fair consideration to these resolutions—to view them as a system, and to view them independently of each other. But they have chosen to anticipate the argument, and I could not remain silent in justice to myself.

